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UNITED STATES PATENT AND TRADEMARK OFFICE

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10/749,011	12/29/2003	Kris R. Livingston	10991676-4	8378

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- ·

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20070430*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1- 20 are pending in this application and have been examined in

response to application filed on 12/29/2003.

2.   This application claims the filing date of 10/29/1999 from the parent application

09/430,402 now patent 6,693,720.

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

2.   Claims 1-20 are rejected on the ground of nonstatutory double patenting over

claims 1-17 of U. S. Patent No. 6,693,720, hereafter '720. Since the claims, if allowed,

would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the

patent and is covered by the patent since the patent and the application are claiming

common subject matter.

Furthermore, there is no apparent reason why applicant was prevented from

presenting claims corresponding to those of the instant application during prosecution of

the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158

USPQ 210 (CCPA 1968). See also MPEP § 804.

3.   Independent claims 1,8, and 15 of the instant application includes limitation that

are similar or obvious from claims 1, 7 and 13 of '720 (see following table).

	Instant application		'720

Claim 1	A method of integrating print job status information and user options comprising displaying a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job and displaying a current status of the print job together with the list.	Claim 1	A method of integrating print job status information and user options comprising displaying a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job, displaying a current status of the print job together with the list, **receiving a selection of one of the user-selectable printing features other than the status feature, interrupting the print job in response to receiving the selection, and displaying a user-actuable control for the selected one of the features.**

Claim 8	An article of manufacture comprising a computer usable medium having computer readable code embodied therein to cause a display to depict a graphical user interface for setting printer options, the computer readable program code in the article of manufacture being configured to display, in the graphical user interface, a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job and to display a current status of the print job together with the list.	Claim 7	An article of manufacture comprising a computer usable medium having computer readable code embodied therein to cause a display to depict a graphical user interface for setting printer options, the computer readable program code in the article of manufacture being configured to display, in the graphical user interface, a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job, to display a current status of the print job together with the list, **to receive a selection of one of the user-selectable printing features other than the status feature, to interrupt the print job in response to receiving the selection, and to display, in the graphical user interface, a user-actuable control for the selected one of the features**.

| Claim 15 | A computer implemented printer control system comprising: memory configured to provide an operating system and operative to store files representing at least one document to be printed; a display configured to provide an image of a graphical user interface in a viewing window, the graphical user interface configured to allow user selection and modification of print engine options for printing the document; and processing circuitry configured to display, in the graphical user interface, a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job and display a current status of the print job together with the list. | Claim 13 | A computer implemented printer control system comprising: memory configured to provide an operating system and operative to store files representing at least one document to be printed; a display configured to provide an image of a graphical user interface in a viewing window, the graphical user interface configured to allow user selection and modification of print engine options for printing the document; and processing circuitry configured to display, in the graphical user interface, a list of user-selectable printing features including a status feature, with the status feature selected, in response to a command to execute a print job, to display a current status of the print job together with the list, **to receive a selection of one of the user-selectable printing features other than the status feature, to interrupt the print job in response to receiving the selection, and to display, in the graphical user interface, a user-actuable control for the selected one of the features.** |

4.   Dependent claims 2-7, 9-14, and 16-20 of the instant application includes

limitations that are similar or obvious from claims 2-6, 8-12, and 14-17 of '720.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated**

by Hawes (US 6,061,715).

7.   As to **INDEPENDENT** claim 1 Hawes discloses a method of integrating print job

status information and user options comprising displaying a list of user-selectable

printing features including a status feature, with the status feature selected, in response

to a command to execute a print job and displaying a current status of the print job

together with the list (fig.3; a list of print job features is listed on the right side of the

display, and the printer status is displayed on the bottom left side of the display).

8.   As to **INDEPENDENT** claim 8 is an article of manufacture claim of claim 1, it is

rejected under similar rationale.

9.   As to **INDEPENDENT** claim 15 is a computer implemented printer control system

claim of claim 1, it is rejected under similar rationale.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 2, 5-6, 9, 12-13, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hawes in view of applicant admitted prior art (AAPA).

12.   As to claims 2, 9 and 16, Hawes discloses receiving a selection of one of the

user-selectable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not specifically disclose interrupting the print job in response

to receiving the selection and displaying a user-actuable control for the selected one of

the features.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features (pg.3, lines 3-5; "Prior to the print processing software beginning to send pages

to the printer, the user can interrupt the process by clicking on an "Option" button).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA before him at the time the invention was made, to modify the printer

status display taught by Hawes to include print job interrupts taught by AAPA with the

motivation being to enable the user to modify print jobs prior to the actual printing (pg.2,

lines 24-26).

13.   As to claims 5, 12 and 18, Hawes discloses receiving a selection of one of the

user-selectable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not specifically disclose interrupting the print job in response

to receiving the selection, displaying a user-actuable control for the selected one of the

features and modifying the print job in response to user actuation of the user-actuable

control.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features (pg.3, lines 3-5; "Prior to the print processing software beginning to send pages

to the printer, the user can interrupt the process by clicking on an "Option" button), and

modifying the print job in response to user actuation of the user-actuable control (pg.2,

lines 9-11, "on-the-fly modification").

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA before him at the time the invention was made, to modify the printer

status display taught by Hawes to include print job interrupts taught by AAPA with the

motivation being to enable the user to modify print jobs prior to the actual printing (pg.2,

lines 24-26).

14.   As to claims 6,13 and 19, Hawes discloses receiving a selection of one of the

user-actuable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not specifically disclose interrupting the print job in response

to receiving the selection, displaying a user-actuable control for the selected one of the

features, modifying the print job in response to user actuation of the user-actuable

control, receiving a second command to execute the print job and resuming the print job

in response to the second command.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features (pg.3, lines 3-5; "Prior to the print processing software beginning to send pages

to the printer, the user can interrupt the process by clicking on an "Option" button), and

modifying the print job in response to user actuation of the user-actuable control (pg.2,

lines 9-11, "on-the-fly modification"), receiving a second command to execute the print

job and resuming the print job in response to the second command (pg.3, lines 3-5;

after the user specified modification via the "option" button, the user resumes the print

job via a second command which is the command first used to start the printing job).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA before him at the time the invention was made, to modify the printer

status display taught by Hawes to include print job interrupts taught by AAPA with the

motivation being to enable the user to modify print jobs prior to the actual printing (pg.2,

lines 24-26).

15.   Claims 3-4, 7, 10-11, 14, 17 and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hawes in view of AAPA, in further view of Chiarabini et

al. (Chiarabini, US 5,963,216).

16.   As to claims 3 and 10, Hawes discloses receiving a selection of one of the user-

selectable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not specifically disclose interrupting the print job in response

to receiving the selection, displaying a user-actuable control for the selected one of the

features and displaying a print preview image which changes in response to actuation of

the user-actuable control.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features (pg.3, lines 3-5; "Prior to the print processing software beginning to send pages to the printer, the user can interrupt the process by clicking on an "Option" button). AAPA does not disclose displaying a print preview image which changes in response to actuation of the user-actuable control.

It would have been obvious to one of ordinary skill in the art, having the teaching of Hawes and AAPA before him at the time the invention was made, to modify the printer status display taught by Hawes to include print job interrupts taught by AAPA with the motivation being to enable the user to modify print jobs prior to the actual printing (pg.2, lines 24-26).

In the same view of endeavor, Chirabini discloses disclose displaying a print preview image which changes in response to actuation of the user-actuable control (fig.9; fig.13).

It would have been obvious to one of ordinary skill in the art, having the teaching of Hawes and AAPA and the teaching of Chirabini before him at the time the invention was made, to modify the printer status display taught by Hawes and AAPA to include print job preview taught by Chirabini with the motivation being to enable the user reduce the cost of print media, ink and time in reprinting (Chirabini, col.2, lines 1-9).

17.   As to claims 4, 11 and 17, Hawes discloses receiving a selection of one of the

user-selectable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not disclose interrupting the print job in response to receiving

the selection, displaying a user-actuable control for one of the features, displaying a

print preview image which changes in response to actuation of the user-actuable

control, receiving a second command to execute the print job and resuming the print job

in response to the second command.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features receiving a second command to execute the print job and resuming the print

job in response to the second command (pg.3, lines 3-5; "Prior to the print processing

software beginning to send pages to the printer, the user can interrupt the process by

clicking on an "Option" button; the user resumes the print job after the required

modification). AAPA does not disclose displaying a print preview image which changes

in response to actuation of the user-actuable control.

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA before him at the time the invention was made, to modify the printer

status display taught by Hawes to include print job interrupts taught by AAPA with the

motivation being to enable the user to modify print jobs prior to the actual printing (pg.2,

lines 24-26).

In the same view of endeavor, Chirabini discloses disclose displaying a print preview

image which changes in response to actuation of the user-actuable control (fig.9;

fig.13).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA and the teaching of Chirabini before him at the time the invention was

made, to modify the printer status display taught by Hawes and AAPA to include print

job preview taught by Chirabini with the motivation being to enable the user reduce the

cost of print media, ink and time in reprinting (Chirabini, col.2, lines 1-9).

18.   As to claims 7, 14 and 20, Hawes discloses receiving a selection of one of the

user-selectable printing features other than the status feature (fig.3; user selects

"properties"). Hawes does not disclose interrupting the print job in response to receiving

the selection, displaying a user-actuable control for the selected one of the features,

displaying a print preview image which changes in response to actuation of the user-

actuable control and receiving a second command to execute the print job.

In the same field of endeavor, AAPA discloses interrupting the print job in response to

receiving the selection and displaying a user-actuable control for the selected one of the

features receiving a second command to execute the print job (pg.3, lines 3-5; "Prior to

the print processing software beginning to send pages to the printer, the user can

interrupt the process by clicking on an "Option" button; the user can resume the print job

after the required modification). AAPA does not disclose displaying a print preview

image which changes in response to actuation of the user-actuable control.

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA before him at the time the invention was made, to modify the printer

status display taught by Hawes to include print job interrupts taught by AAPA with the

motivation being to enable the user to modify print jobs prior to the actual printing (pg.2,

lines 24-26).

In the same view of endeavor, Chirabini discloses disclose displaying a print preview

image which changes in response to actuation of the user-actuable control (fig.9;

fig.13).

It would have been obvious to one of ordinary skill in the art, having the teaching of

Hawes and AAPA and the teaching of Chirabini before him at the time the invention was

made, to modify the printer status display taught by Hawes and AAPA to include print

job preview taught by Chirabini with the motivation being to enable the user reduce the

cost of print media, ink and time in reprinting (Chirabini, col.2, lines 1-9).

Conclusion

19.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to

consider these references fully when responding to this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haoshian Shih whose telephone number is (571) 270-

1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

TADESSE HAILU
Patent Examiner